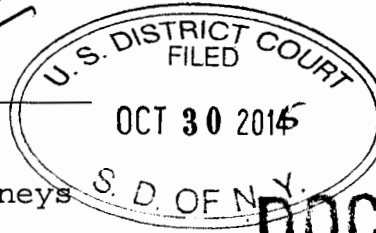


ORIGINAL

Approved: _____

HAGAN SCOTTEN / MICAH SMITH /
ROBERT ALLEN
Assistant United States Attorneys



DOC # 1

Before: THE HONORABLE JAMES C. FRANCIS
United States Magistrate Judge
Southern District of New York

15 MAG 3903

UNITED STATES OF AMERICA

: COMPLAINT

- v. -

: Violation of
21 U.S.C. § 846

ALEXANDER FINLEY,
a/k/a "Abe,"
EMMANUEL MCKENZIE,
a/k/a "Bliz,"
TRAVIS HENRY,
a/k/a "Migo,"
EVERAL MCLAGGON,
a/k/a "Max," and
ARSENIO MILLER,
a/k/a "Mayno,"

: COUNTY OF OFFENSE:
: BRONX

Defendants.

SOUTHERN DISTRICT OF NEW YORK, ss.:

TODD J. KOWALSKI, being duly sworn, deposes and says that he is a Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations ("HSI") and charges as follows:

COUNT ONE

1. From in or about the spring of 2014 up to and including in or about the fall of 2015, in the Southern District of New York, ALEXANDER FINLEY, a/k/a "Abe," EMMANUEL MCKENZIE, a/k/a "Bliz," TRAVIS HENRY, a/k/a "Migo," EVERAL MCLAGGON, a/k/a "Max," and ARSENIO MILLER, a/k/a "Mayno," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ALEXANDER FINLEY, a/k/a "Abe," EMMANUEL MCKENZIE, a/k/a "Bliz," TRAVIS HENRY, a/k/a "Migo," EVERAL MCLAGGON, a/k/a "Max," and ARSENIO MILLER, a/k/a "Mayno," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substances that ALEXANDER FINLEY, a/k/a "Abe," EMMANUEL MCKENZIE, a/k/a "Bliz," TRAVIS HENRY, a/k/a "Migo," EVERAL MCLAGGON, a/k/a "Max," and ARSENIO MILLER, a/k/a "Mayno," the defendants, conspired to distribute and possess with intent to distribute were: (a) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(A); and (b) less than 50 kilograms of marijuana, in violation of Title 21, United States Code, Section 841(b)(1)(D).

(Title 21, United States Code, Section 846.)

The bases for deponent's knowledge and for the foregoing charges are, in part, as follows:

4. I am a Special Agent with HSI and am one of the law enforcement agents with primary responsibility for this investigation. This affidavit is based upon my own observations, my conversations with other law enforcement agents and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. All locations referred to in this affidavit are within the Bronx, New York, except where otherwise indicated.

BACKGROUND TO THE INVESTIGATION

5. Together with law enforcement officers with the NYPD and other agencies, I have been conducting an investigation into a drug trafficking organization that operates in the vicinity of Barnes Avenue and East 213th Street in the Bronx, New York (the "213 DTO"). Based on my participation in this investigation, and for the reasons described below, I believe that 213 DTO members are responsible for distributing significant quantities of narcotics, including "crack" cocaine and marijuana.

6. The 213 DTO's operations are also a major source of crime and violence in the area. NYPD analysis describes the focus of the 213 DTO's operations – a home in the vicinity of Barnes Avenue and East 213th Street referred to by members of the 213 DTO as the "Bando" – as an epicenter of violence in the neighborhood. Since 2011, the violence in that general area includes at least 35 shootings, of which 22 were fatal, as well as over 500 reports of shots fired and at least one non-shooting homicide.

7. Late last evening, October 29, 2015, I and other law enforcement officers executed a search warrant at the "Bando." After the execution of that search warrant, and as described further below, ten individuals were taken into custody, including ALEXANDER FINLEY, a/k/a "Abe," EMMANUEL MCKENZIE, a/k/a "Bliz," TRAVIS HENRY, a/k/a "Migo," EVERAL MCLAGGON, a/k/a "Max," and ARSENIO MILLER, a/k/a "Mayno," the defendants. Other individuals were present at the "Bando" but fled from law enforcement. In addition, upon entering the "Bando," agents encountered a large television monitor connected to night-vision infrared cameras that allowed visual counter-surveillance of the front and rear of the location.

THE INVESTIGATION

The Cooperating Witnesses

8. As part of this investigation, I have either debriefed, or spoken with other law enforcement agents who have debriefed, multiple cooperating witnesses ("CWs"), two of whom are described below.

9. CW-1 has pled guilty to narcotics offenses pursuant to a cooperation agreement with the Government. Before CW-1's arrest, CW-1 was a supplier of controlled substances to members of the 213 DTO.¹ From speaking to other law enforcement agents who have debriefed CW-1, I have learned, in substance and in part, the following:

a. Throughout 2014, members of the 213 DTO sold high quantities of "crack" cocaine from the "Bando" at Barnes Avenue and East 213th Street. Members of the 213 DTO also sold quantities of

¹ CW-1 has been in custody since in or about the end of 2014. CW-1 is cooperating with the Government in hopes of receiving leniency at sentencing. Information provided by CW-1 has proved reliable and has been corroborated, in part, by physical surveillance, information already known to law enforcement, controlled narcotics purchases, and information from other CWs.

marijuana. Many of the members of the 213 DTO are also members of the Bloods street gang.

b. Members of the 213 DTO obtained their crack cocaine principally from an individual whom CW-1 knew as "Abe." During a proffer session, CW-1 reviewed a photobook containing a large number of photographs and identified ALEXANDER FINLEY, a/k/a "Abe," the defendant, as the "Abe" who supplied "crack" cocaine to the 213 DTO members.

c. After a police raid in the area of Barnes Avenue and East 213th Street in or about the summer of 2014, members of the 213 DTO moved some of their operations to a location in the vicinity of 239th Street in the Bronx, at a location members of the 213 DTO referred to as the "Mansion." The operations of the 213 DTO nonetheless continued at the "Bando" as well.

d. CW-1 identified photographs of EMMANUEL MCKENZIE, a/k/a "Bliz," and TRAVIS HENRY, a/k/a "Migo," as individuals who were part of the 213 DTO and sold crack cocaine from the "Bando." In addition, CW-1 stated that CW-1 supplied HENRY with wholesale quantities of "crack" cocaine on two occasions.

10. CW-2 has pled guilty to firearms and narcotics offenses pursuant to a cooperation agreement with the Government. CW-2 is an acquaintance of members of the 213 DTO.² From speaking to other law enforcement agents who have debriefed CW-2, I have learned, in substance and in part, the following:

a. Throughout 2014, members of the 213 DTO sold large quantities of "crack" cocaine from the "Bando" at Barnes Avenue and East 213th Street. Members of the 213 DTO also sold quantities of marijuana. Many of the members of the 213 DTO are also members of the Bloods street gang. CW-2 is aware of a large number of shootings that have occurred in the vicinity of and in connection with the 213 DTO's operations at the "Bando."

b. Members of the 213 DTO have set up cameras in the area of the "Bando" and use radios to engage in counter-surveillance and avoid police scrutiny.

² CW-2 has been in custody since in or about 2014. CW-2 is cooperating with the Government in hopes of receiving leniency at sentencing. Information provided by CW-2 has proved reliable and has been corroborated, in part, by physical surveillance, information already known to law enforcement, controlled narcotics purchases, and information from other CWs.

c. During a proffer session, CW-2 reviewed a photobook containing a large number of photographs and identified ALEXANDER FINLEY, a/k/a "Abe," the defendant, as the "Abe" who supplied "crack" cocaine to the 213 DTO members. CW-2 also identified a photograph of TRAVIS HENRY, a/k/a "Migo," as an individual who "hangs out" at the 213 DTO's "drug spot."

Surveillance Videos and Controlled Buys

11. I have spoken with a Detective from the NYPD ("Detective-1") who has reviewed surveillance video taken at various times throughout 2015 from the vicinity of the "Bando" at Barnes Avenue and East 213th Street, and conducted controlled buys of narcotics during the course of this investigation, from which I have learned, in substance and in part, the following:

a. Surveillance video taken from the vicinity of the "Bando" at Barnes Avenue and East 213th Street shows EMMANUEL MCKENZIE, a/k/a "Bliz," TRAVIS HENRY, a/k/a "Migo," EVERAL MCLAGGON, a/k/a "Max," and ARSENIO MILLER, a/k/a "Mayno," the defendants, and various other members of the 213 DTO present at the "Bando" during sales of narcotics, including during controlled buys conducted as part of this investigation, some of which are described below.

b. In or about February 2015, an undercover officer ("UC-1") purchased approximately \$20 worth of "crack" cocaine in the vicinity of the "Bando" from an adult male whom UC-1 later identified, from a review of photographs, as MCLAGGON. UC-1 has since completed approximately 13 further controlled buys from MCLAGGON in the vicinity of the "Bando," making individual purchases approximately \$660 worth of "crack" cocaine. UC-1 has purchased a total of approximately 28 grams of "crack" cocaine from MCLAGGON.

c. In or about April 2015, a confidential informant ("CI-1")³ purchased approximately \$200 worth of "crack" cocaine at the "Bando" from an adult male whom CI-1 later identified, from a review of photographs, as MCKENZIE.

d. In or about the spring 2015, CI-1 purchased a quantity of "crack" cocaine inside the "Bando" from an adult male

³ CI-1 is being paid for information. Information provided by CI-1 has proved reliable and has been corroborated, in part, by physical surveillance, information already known to law enforcement, controlled narcotics purchases, and information from CWs.

whom CI-1 identified as ARSENIO MILLER, a/k/a "Mayno," the defendant. In addition, in or about August 2015, another confidential informant ("CI-2")⁴ purchased a quantity of "crack" cocaine in the vicinity of the "Bando" from an adult male whom CI-2 identified as ARSENIO MILLER, a/k/a "Mayno," the defendant.

e. In total, law enforcement officers have purchased well over 280 grams of "crack" cocaine and a quantity of marijuana from members of the 213 DTO at the "Bando."

The October 29, 2015 Search Warrant

12. At approximately 6 p.m. yesterday evening, October 29, 2015, I and other law enforcement officers executed a search warrant at the "Bando" at Barnes Avenue and East 213th Street. From my participation in the execution in the search warrant and my conversation with other law enforcement officers, including Detective-1, who participated in the execution of the search warrant, I have learned, in substance and in part, the following:

a. When law enforcement agents approached the "Bando," several individuals within the location began to flee from the backdoor. EMMANUEL MCKENZIE, a/k/a "Bliz," TRAVIS HENRY, a/k/a "Migo," and ARSENIO MILLER, a/k/a "Mayno," and others not charged herein, were caught in the backyard of the "Bando" while attempting to flee. ALEXANDER FINLEY, a/k/a "Abe," was caught after he jumped over the backyard fence while fleeing. Several other individuals successfully fled the location. Law enforcement agents entered the location, cleared the rooms, and recovered approximately twenty small ziplock bags of "crack" cocaine from the backyard of the "Bando." Law enforcement also found a plate and a razor blade that appeared to be drug paraphernalia commonly used to break "crack" cocaine into smaller pieces for packaging into ziplock bags, and quantities of marijuana in the house and in the backyard. No "crack" cocaine or weapons were recovered from cleared-out "Bando" itself.

b. As noted, upon entering the "Bando," agents encountered a large television monitor connected to night-vision infrared cameras that allowed visual counter-surveillance of the front and rear of the location. Agents also found a bag containing multiple replacement cameras in the "Bando." In light of this

⁴ CI-2 is being paid for information. Information provided by CI-2 has proved reliable and has been corroborated, in part, by physical surveillance, information already known to law enforcement, controlled narcotics purchases, and information from CWs.

counter-surveillance equipment, law enforcement believes that individuals began to flee the "Bando" upon law enforcement's arrival because they were monitoring the outside of the location using their television monitor and night-vision, infrared cameras. I also believe that individuals took controlled substances from the "Bando" and fled, only twenty ziplock bags of "crack" cocaine of which were left behind in the backyard.

c. Approximately an hour after the search warrant was executed, law enforcement encountered EVERAL MCCLAGGON, a/k/a "Max," approximately six to seven blocks from the area of the "Bando" and found him to be in possession of approximately 50 grams of "crack" cocaine.

The March 12, 2015 Arrest At The Mansion

13. I have reviewed arrest report records maintained by the NYPD, from which I have learned, in substance and in part, that on or about March 12, 2015, a search warrant was executed at the "Mansion" at 605 East 239th Street in the Bronx, New York, and EMMANUEL MCKENZIE, a/k/a "Bliz," TRAVIS HENRY, a/k/a "Migo," and a third individual were found to be in possession of a large amount of "crack" cocaine and a quantity of marijuana, and were arrested. Law enforcement officers also recovered two black scales, ten .22 caliber bullets, and three 9mm bullets.

WHEREFORE, deponent respectfully requests that ALEXANDER FINLEY, a/k/a "Abe," EMMANUEL MCKENZIE, a/k/a "Bliz," TRAVIS HENRY, a/k/a "Migo," EVERAL MCLAGGON, a/k/a "Max," and ARSENIO MILLER, a/k/a "Mayno," the defendants, the defendants, be imprisoned or bailed, as the case may be.

Handwritten: < / > # 8355

TODD J. KOWALSKI
Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations

Sworn to before me this
30th day of October 2015

Handwritten: James C. Francis IV
THE HONORABLE JAMES C. FRANCIS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK